XV

MARITIME CUSTOMARY LAW OFF THE ARABIAN COASTS

Arabic and Islamic literature is not lacking in allusion to sea-fishing and maritime activities off the coasts of Arabia-which itself lies between two important sea-highways of the Indian trade-route. Where navigation is concerned the data to be found in the standard works has been assembled by George Hourani in his admirable little book, though he has drawn hardly at all on Ibn Mājid and other authors made available to us by Ferrand in his *Instructions Nautiques*. Gerald Tibbetts however has commenced upon the difficult task of interpreting the information afforded us by the *Instructions Nautiques*. Where commerce is concerned Goitein's researches into the Cairo Genizah documents have added notably to our knowledge, and no doubt the Turkish archives could be despoiled to supplement our information on the Indian Ocean from the XVIth century onwards. I have for instance seen in the Topkapu Serai an Arabic document relating to the revenues of Mocha under the Ottomans. In the voluminous literature of Arabic itself there no doubt remains a wealth of data especially in the collections of legal decisions (*fatāwā*), and I hope that the edition of the *Mulakhkhaṣ al-Fiṭan* of 1411-1412 which Professor Cahen and I have in preparation, will present also its detailed picture of the India trade as seen from Aden.

Apart from scattered allusions in Arabic literature there is however no detailed treatment — to the best of my knowledge anyway — of the fishing and maritime communities, though one could deduce by a careful assembly of pertinent *fatāwā* something of the structure and activities of the maritime communities on the seaboards of the Indian Ocean. Whereas however, in the case of Arabia anyway, the deep-sea mariners and merchants have much of an international character as a community, the fisher-folk tend to be extremely parochial and conservative.

At the present day there exists a highly complicated and sophisticated customary law that governs the working lives of both mariners and fishermen.

It is so well established that it can be assumed to have a long history of development, though there are variations in it from place to place as one would expect. Nevertheless the principles of this law are largely identical everywhere. In speaking of South-West Arabia generally, Ibn al-Mujāwir, writing in the XIIIth century, says that the law followed is not *sharī'ah* but ancient pre-Islamic law and this statement in the context would seem to cover the fishermen also. The very existence of a native maritime law is hardly known to us, and it is only in attempts to improve fishing that Europeans have come to realise that there is this complex local fishing law. While my own experience of maritime customary law is mainly South-West Arabian, I have collected data from the Trucial Coast, from al-Baḥrain, and Sawākin in the Red Sea, and I have reason to believe in what I have seen of the East African coast that close correspondences will be found there too with custom in the Arab lands.

Firstly, to glance at the people who engage as fishermen or mariners, one should recall that in Arabia the inhabitants of the seaboard are at the mercy of the hinterland tribes who exact tribute from them in one form or another. So they generally form a protected class, and engaging in a sort of craft, they are regarded by the rigid class system of Arabia as inferior to the arms-bearing tribes. So in many places fisherfolk are despised as of low class — for instance as far back as the time of al-Jāḥiẓ in southern Iraq, and at the present day in South Arabia from Oman westwards, though the politico-economic changes of recent years have seen some tribesmen on the Ḥaḍramī coast take to fishing. In al-Baḥrain however tribesfolk engage in fishing with no loss to their honour, and in Ḥaḍramawt all classes take part in deep-sea sailing, including for instance one of my most valuable informants, Badr al-Kasādī of the tribe of Yāfi', the present *Nā'ib* of al-Mukallā. The Qawāsimī pirates who gave the Government of India so much trouble round about 1800 were also tribesfolk.

Where an organised centralised state of sorts has been able to wrest the power from the tribes, the exactions of the latter would be transferred to the state as revenue in the more famous ports of the India route, such as Jeddah, Aden al-Shiḥr, Muscat, al-Baḥrain, and others, some now ruined and deserted, while the fisherfolk would probably pay the state in kind from their catch of fish. I use the term « state », but in fact the state would consist of a Sultan whose support derives from his tribe, so it really means payment to a centrally organised body rather than to individual protecting tribes. In either case the seaboard communities remain separately organised with their own laws enforced by their own headmen. The customary law of deep-sea voyaging and international trade of course must inevitably come more closely within the ambit of the central government and its law-courts. Where navigational law was concerned, the states of South-West Arabia had a special official in the ports called the Amīr al-Baḥr who would probably, I think, also deal with the fishing community, and a thousand and one technical matters arising from the various maritime pursuits. An official with this appellation was to be found, for example, at Mocha and Aden at the time of de la Rocque's

voyages in the early XVIIIth century, and this office existed in the Yemen during the present century, perhaps up till the revolution.

In all these communities the various categories of workers were, and mostly still are, bound to those persons who have enough to finance ventures, by an elaborate system of loans and debts. These are similar in their way to share-cropping farming finance in the agricultural districts. I suspect, though I have not investigated this aspect of local commerce, that the merchant and capitalist classes financing fishing and navigation are bound to each other by an intricate mesh of credit and debt. Nowadays it is fashionable to criticise these classes, but, in my view, that they perform an essential function in Arabian society appears obvious. To finance sardine-fishing with the great *jarīf* trawl-net, in which forty men or more will be engaged there is the *rubbān al-barr*, or « captain of the shore » in Ḥaḍramawt — and I suppose this type of fishing on the Trucial Coast is operated in the same way. The fish-traps of al-Baḥrain which are often rented from Shī'ah trusts are hired out to « farmers » (*ḍāmin*) who themselves may be financed by a *jazzāf*, a sort of fish-merchant. The « Pearling Law of al-Baḥrain » which I have recently translated, although it has been modified in certain respects under British influence, yet contains customary law that is ancient, for al-Bīrūnī in his *Kitāb al-Jamāhīr* alludes, though vaguely, to the finance of pearling ventures by the merchants, not the diving-crews. The modern document is almost entirely concerned with regulations regarding the advances to the pearling crews, safeguards for the financiers and crew, and procedure for the transfer of services of crew under obligation through advances of money, from one *nawkhudhā* to another. The *nawkhudhās* themselves, i. e. the ship-captains, are in debt to the *ṭawwāsh* or pearl-merchant. I might say in passing that Persian Gulf pearl-merchants also come to Socotra Island where there is a small fishery. The period of service in most cases is fixed according to the star-calendar — in Southern Arabia they use the 28 star-periods — the Mansions, but the pearlers, though essentially the principle is the same, designate their pearling season by special names. We have also the Nairūz reckoning at sea, which commences, nowadays, about the 6th of August — one counts the days from it until the closure of the sea — i. e. after the two monsoons have ended. In the south end of the Persian Gulf they appear to count from Suhail, commencing from August 25th. On parts of the Trucial coast they use for navigation and fishing a calendar composed of 10-day periods, each known as *darr*, and this system was known to Ibn Mājid.

Navigation

It is only of quite recent years that the works of Ibn Mājid, Sulaimān al-Mahrī, and others have begun to be thoroughly investigated. With the publication of a translation a great deal of detailed information will become generally available, but the texts, being technical and written in conventional near-classical colloquial Arabic, are not always easy to interpret. When I worked through some of them with retired *nawkhudhās* at al-Ḥāmī E. of al-Shiḥr in 1964 I discovered that, as they said themselves, the art of navigation

had declined among them and they were not acquainted with certain aspects of navigation of which he treats. The *nawḵhudhhās* of al-Ḥāmī simply use Norie's nautical tables, and many of the nautical tables they compose themselves are based on these. Ibn Mājid of course speaks of the Portuguese and indicates that the Arabs had learned from them, and in Gulf Arabic Portuguese words for parts of the dhow are current to this day, but it was especially in the XIXth century that Arab knowledge of the art declined. I also found that the works of the well-known modern Kuwaiti *nawḵhudhā*, al-Quṭāmī, were to be found in al-Ḥāmī. Sea-faring people on the coast know the name of Ibn Mājid as a great *nawkhudhā* but the only place I have seen any of his works was in al-Baḥrain. Ibn Mājid flourished around 1500, but the conventional form of his navigational poems indicates that the tradition is very much older, to be connected indeed with the genre that I have called « route-poems » by which travellers in Arabic remembered the sequence of villages and natural features between one point and another — these go back to the Xth century and no doubt much earlier. The tradition still holds, for Shaikh Muh'Abd al-Qādir Bā Maṭraf produced for me two route-poems — one Saiḥūt-Zanzibar, the other Muscat-Mocha and we had these explained to us by *nawkhudhahs* in al-Mukallā. They may be 200 years old, the author being a certain Bā Ṭāyi'.

The *Nā'ib* of al-Mukallā told me that mariners consider there are three dangerous places in the Arabian sector of the Indian Ocean — Rās Fartak, Rās al-Kalb, and Rās Ḥāfūn, south of Cape Gardafui. If ships are voyaging together *sinjār* — in convoy — from, say Basrah, they may break convoy by mutual agreement and part company when they pass Fartak, for then dangers from the sea are considered past, and every ship is eager to be the first to arrive in port and to be able to give the news of the expected arrival of other vessels. Bā Ṭāyi's poem has a verse alluding to the celebrations that are customarily made when one has passed this point, and to this day sailors make what they call a *fawlah* — a festivity (*farḥah*) with drums, at which they sing *zāmils* opening with the words *yā fawlah, yā fawlah.* The sailors get themselves up in a sort of fancy-dress and engage in horse-play (*li'b*). The *nawḵhudhah* gives them presents, and the passengers collect money among themselves to give to the sailors.

When the Basrah dhows arrive at al-Ḥāmī persons (often fishermen) will come out in canoes (hūrī) to meet them — the dhow gives these the news of the coast, the prices of dates, how many ships are still to come, and how many passengers there are and who they are. Often a runner (*mikattib*) will carry this news to al-Shiḥr by land. The canoe-man (Arabic *muwāfī*) may be given an ornament by a woman on shore to go out to an incoming vessel and bring back news — he returns the ornament to her and she gives him 2 or 3 shillings. When dhows are delayed women may perform the *tajlūb* ceremony, gathering outside their houses about 9-10 p. m. to sing *tajlūb* songs to the accompaniment of drums, and this may continue until the small hours of the morning. These songs are prayers to God to bring the dhows home safely — they start with the conventional phrase — *yā jalaib ya 'l-mujallib.*

On arrival at a large port like al-Shiḥr flags are unfurled, and guns are fired. From a log-book of my friend Bā Maṭraf's grandfather we discovered that in 1884 he stopped at Difaiqah to take on gun-powder (*bārūt*) to fire in al-Shiḥr *bandar*. Al-Shiḥr besides being a celebrated port on the old India trade-route is also a centre of local distribution and in fact the tribes do not call it al-Shiḥr but simply al-Sūq, the Market. It is also an important fishing centre and depot for the export of salted fish to the Far East.

To return passing to the *fawlah* festivity which sailors make after Rās Fartak, I must quote Ibn al-Mujāwir who states that when a vessel arrives opposite the town of Socotra this is called *fawlah* — presumably meaning as it does nowadays « deliverance from danger », an earthen pot is taken and a sail, rudder and ship's gear set upon it, and food is placed in it — a little coconut, salt and ashes, and it is thrown into the sea. I think that Ibn Mujāwir, good observer as he was and most unusual in his reportage, frequently misunderstood what he saw or reported it inaccurately, for Ḥaḍramīs told me what corresponds closely to his report but supplements it and shows its significance — when a vessel arrives at Rās Ḥāfūn, from Africa, they told me, the crew prepare a coconut for the Jinn and send out little model boats for the Jinn to pacify them — after this there is *fawlah*, i. e. *salāmah*, safety. Sometimes in return for a safe arrival they sacrifice an animal. At Rās ʿAṣīr or Gardafui the sailors place some food in a little box and throw it into the sea so as to ransom themselves from the wrath of the Jinn who inhabit the mountains of Gardafui; they do likewise when they pass by Rās al-Kalb or the islands of Salāmah and its Daughters in the Red Sea. Ashes are commonly used in Ḥaḍramawt where it is wished to exclude or drive away the Jinn.

In former times then there was much ceremony attached to voyaging, as also of course religious practices too, and even now the *nawkhudhah* is considered a man of a certain consequence. In olden days he used to wear fine clothes and the *ʿimāmah Dabwānī*, a turban of Indian weave with a red stripe along the edges.

Convoy-Sanjarah

Though I have not attempted to hunt out the references in Arabic literature, such as the geographies, to the travelling of vessels in company it seems self-evident that this custom is ancient. The mediaeval Arabic almanacs from South Arabia, which I hope some day to publish, give exact dates for the periods in which each trade-fleet arrives at Aden, be it from East Africa, India, or Egypt though it is not stated that they come in a company.

The technical term for travelling in company is *sanjarah*, and one speaks of a *safīnah sinjār*, a vessel travelling as a partner in convoy with another, the two vessels undertaking to render certain known obligations to each other. The word *sinjār* is also to be found in Swahili, and I suspect it derives ultimately from the Persian word *zinjīr*, a chain — Ferrand has shown that there are many words of Persian origin current in the technical vocabulary of Arab navigation, and *sinjār* could have been a term current even in mediaeval times though it is not to be found in the lexicons. The master of a vessel

would ask for *sanjarah* from another vessel under four circumstances :

1. When voyaging on the high seas.
2. Voyaging at a season (*mūsim*) outside the customary season for sea-travel.
3. Sailing through parts of the ocean known to be infested by pirates.
4. At times when the vessel has some defect or damage to it and it would be dangerous for it to voyage alone.

If a vessel passes another ship at sea and one of them hails the other to ask for *sanjarah* it is obligatory for the latter to assent, or at least so said one informant. It is the seaman in charge of the fore-part of the vessel, who is usually also the chief of the sailors, who hails the other vessel with the demand for *sanjarah*. At the pitch of his voice he shouts, *Sinjar-nā bi 'l-salāmah ...salām!* To which the crew of the second vessel reply, « *Salām* » or rather « *saloowm* » as they pronounce it. The serangs of the vessels then take up the parley as they draw alongside, exchanging news, and explaining the causes that made the first vessel ask for *sanjarah*. If the crew of the second vessel did not reply with a « *salām* » to the first this would imply refusal to agree to sail in convoy with it, but I imagine that as a matter of honour the request could hardly be refused.

The *sanjarah* consists of the ships sailing in company in line formation — hence I suppose comes the idea of a chain — the Persian *zinjīr* — if I am right. Should any untoward happening befall one of the vessels then the other must stop in order to assist it. Its attitude was described to me as very similar to that of the *sa'īf* (classical Arabic *rafīq*) on land, the companion of the road or escort who is bound by customary obligations to look after his fellow. The faster vessel must keep the sail of the slower one in sight by day, and his lamp in sight by night. It must stop at the *'aṣr* part of the afternoon to allow the slower one to come up with it. One vessel must supply any help required by the other in the way of gear, such as ropes, etc., or provisions (*zuwād*) or drinking-water if these should be short. If at sea one ship catches fish but the other does not, then the fish are divided equally, a division from head to tail (*qismah min al-rās ila 'l-dhail*), but, if there are four ships sharing, you do not cut the fish up lengthwise after the first division.

Firearms are still carried on these vessels against pirates who still seem to carry on their predatory actions against traders off the northern coasts of the Yemen and in some of the Red Sea islands off the Yemeni coast. These firearms normally remain in charge of the *nawkhudhah*, to be issued to the trusted fighters among the sailors if a pirate attack threatens. When attacked by pirates the *nawkhudhah* and his crew are specially concerned to protect the helmsman (*al-sakūnī*) around whom they place wooden beams to avert the bullets. The *nawkhudhah* takes all the weapons from the passengers who come on the board ship and keeps them under his own charge in a safe place — for instance, I imagine, in older times, in the famous brass-bound chests of the Indian Ocean now so much sought by collectors. These chests are not used now but plain wooden boxes only and I have noticed that the *nawkhudhahs* always keep them locked.

If a captain wishes to terminate the agreement of *sanjarah* he must send a *ma'lūmīyah*, i. e. a notification to the other vessel, and if the latter refuses to end the arrangement the first captain cannot unilaterally abrogate it.

Sometimes a vessel will infringe the laws of *sanjarah*, or perhaps it is sea-law in general, by passing by its sister ship on the port (*jawsh*) side — so called from the tack-rope on that side — it is all right to pass on the starboard (*dimān*) side known as *dābirah* — passing on the port side is known technically as *murūr mākhirah*. It is an insult (*'aib*) to do this, and if another vessel passes by you in this way, you will be a laughing-stock to the shipping fraternity. There is a rather similar law where fishing vessels are concerned. When two vessels fall out and quarrel about anything, a third vessel will judge the case between them, or else they will go the port or *bandar* and take their case to the authority there. As one informant put it, « if you disobey the laws of the *sinjār* you go to the *bandar* and the judgement (*ḥukm*) is given by the Amīr al-Baḥr who consults with the *nawkhudhahs* on the issue and gives his judgement ». So then the Amīr al-Baḥr will doubtless act in accordance with the traditional customary law of the sea. Nowadays in Ḥaḍramawt, if the offending party does not accept the decision it passes to the local *qā'im* for him to enforce its execution.

The Ship's Company

From Arabic and Perso-Indian sources we already know something of the composition of the dhow-crew, besides which a number of Europeans like Henri de Monfreid, Alan Villiers and others have given us instructive accounts of life on a dhow. On the South Arabian coast the crew is called *al-jazwah*. The table which follows shows the crew with their functions in order of seniority — more or less — and the shares in the proceeds of the voyage to which they are entitled:

1. *Nawkhudhah*, the Captain : 3 shares;
2. The *Serang* : 2 shares;
3. *Sakūnī*, helmsman, in accordance with his capacity : 1 1/2 or 1 share;
3. *Qabḍī*, helmsman's assistant, in addition to his ordinary share as a seaman : 1/4 share;
4. *Baḥḥār*, seaman (12-24 in number) : 1 share.

But the *baḥḥār* who climbs the mast-head to watch for land, or dives into the sea when something has happened to the anchor, receives an additional quarter share;

5. *Ṣughaiyar darak*, the captain's cabinboy, according to his capacity : 1/8 or 3/4 share;
6. *Ṣughaiyar qurṣ*, i. e. the boy who gets his bread, who serves the crew, receives no share, but the *nawkhudhah* gives him some clothing, and gifts to his family ;
7. Store clerk (probably called *karrānī*) : 1 1/2 shares;
8. *Ṭaḥḥān*, boy who grinds grain for the crew : 1/2 to 3/4 share.

The navigator, known as *al-mu'allim* or *al-rubbān*, is employed on the ship by special contract to make the voyage from al-Shiḥr to India or other ports

— I do not think you find one on every dhow — his wage for a single return-voyage would be between 600 to 1,000 shillings. While on board ship the crew are fed free upon rice, millet, dates, coffee-berry, oil, salt, and spices; they take the fish they need from the sea. Sweet water is only carried by the vessel for drinking, coffee, and cooking. The sailors bring it from the shore, and in some places they have to pay for water — a place where one can put in to water is called *mamzar*. One curious piece of information given me was that all sailors take with them cloth for a shroud and other necessities for burial so that they can be properly consigned to the deep should death overtake them at sea.

After deducting the cost of the crew's food and other trifling expenses the profit for the year is divided as follows — firstly half to the owner, from which he deducts a share which he gives to the *nawkhuḏah*. Even if the owner and *nawkhuḏhah* are the same person he receives one share in addition to his three shares. Out of the owner's share comes all the cost of repairs and replacements. Thus reports Badr al-Kasādī, but there are slightly differing reports from many places — though Djibouti seems to have much this order of the crew. Advances (*taqādīm*) are of course deducted, and a percentage is taken toward the payment of a man's debt (*qarḍah*).

The crew are allowed to carry free of freight (*nawl*) charges for disposal on their own account :

1. From Basrah : 2 *qawṣarahs* (baskets) of dates;
2. From al-Sawāḥil : *kīs ṭa'ām*, a sack of grain (probably millet);
3. From Aden : *ṭa'ām*, grain, or half a sack of rice, or coffee (*qahwah*).

The *ṣughaiyar qurṣ*, a small boy, only brings water to the crew, and hot charcoals (*jamrah*) for the water-pipes. They shout to him for it and he replies, « *hawallah* ». At the end of the voyage he receives a shirt and 10 raṭls of dates. The *ṣughaiyar darak* is older and cooks the bread — 1 round (*lubbah*), called on land *kisrah*, for the night, and half a round for breakfast. This is very little so he cooks extra bread for his friends and hides it. The crew try to find it and appeal to higher authority but if the boy knows in time he throws it overboard — he hides it in the *mawfā* or oven — but if caught he is punished. His duty is that he bales (*yizlakh*). He does not grind the grain, this is done by the *ṭaḥḥān*. He also looks after the boat that takes the crew on shore and must fetch them from the shore. He will be about 15 years old, but he shares in the *suhūmīyah*, the sharing out of the annual profit.

Discipline

The *nawkhuḏhah* is respected by the crew though no obligations of one to the other appear to be specified. The *nawkhudhah* deals with disputes and offences on his ship and possesses authority over the sailors and passengers without interference from the land authorities even when his ship is in port. If he is unable to cope with affairs on account of sickness or absence the serang takes over after him, the *sakūnī* or helsman. Typical offences are fighting (*miḍrābah*), theft, or trouble with the passengers. Preparatory to settling the dispute, the two parties at loggerheads will be tied to the mast by the

sakūnī, and the *nawkhudhah* will give his decision. The guilty party will be confined in the *bandūl*, i. e. the place where the bilge-water is collected. A member of the crew may be sentenced to beating (*raskh*) while tied to the mast, and each member of the crew may be required to give him a blow with the rope when going forward or himself be beaten. He may be fined, or his advances may be withheld, or if he refuses to obey orders he may be dismissed — in such case he is required to pay back loans or debts even if to do this he is obliged to sell his house or his women's ornaments.

There are two sorts of loan — the loan made to the sailor before the voyage commences and before the beginning of the maritime year — this is called *qarḍ(ah)*, and there are the advances made to the sailor during the actual voyage called *taqdūm* (plural *taqādīm*). The maritime year starts about the 20th of August (*Suhail* I suppose) and ends about May, after which comes the closure of the sea (*taghlīq al-baḥr*) on account of the stormy weather. If for any reason a sailor transfers his services to another vessel the owner of the second vessel will deduct 15 % from the man's share to repay the advances and loans made to him by the original owner with whom he engaged to serve. This is similar to the arrangements made by pearl-divers and their captains in al-Baḥrain and elsewhere in the Persian Gulf. If the *nawkhudhah* should dismiss a man — which he has of course the right to do — for any cause but refusal of orders, he cannot compel him to repay his advances and debt if the man has not earned enough to cover these sums. A sailor will not be accepted for another vessel if he does not produce a statement of what he owes and what is due to him — these statements are given at the close of the maritime year. This arrangement is identical with that of the pearl-divers in the Gulf.

The Broker, Dallāl

In Southern Arabia the *dallāl* or broker acts as an intermediary between the tribes and the market-folk and even between one tribe and another in quarrels that may take place between them. But he also acts as the intermediary between visiting dhows and their ports of call — so there are *dallāls* in every port on the routes, such as Basrah, Muscat, the Gulf and the Arabian coast, frequented by the South Arabian dhow-masters. I might say in passing that the *dallāls* are an interesting group and I have accumulated a considerable amount of information on how they operate. At the present day the people of each place (*baldah*) customarily have a known *dallāl* in each big port — the people of Ṣūr of Oman, the Mahrah, and the Yemenis each have one in ports like al-Mukallā, but if cause should arise there is nothing to stop them from going to a different *dallāl*. In Mogadisho or Barāwah on the Somali coast one can deal with any *dallāl* one likes. Ibn Baṭūṭah tells us that at Mogadisho young men come out with a dish of food which they present to a merchant on the incoming vessel. The merchant accepting such a gift stays with the giver who acts as his broker in all transactions of buying and selling. Now although Ibn Baṭūṭah does not mention the word *dallāl* the function and customs he describes are exactly what the South Arabian *dallāl* follows

with the *nawkhudhah*, though if the latter knows a port well he may act as his own *dallāl*. It seems to me that in Ẓufār and the Mahrah ports they preserve the older custom described by Ibn Baṭūṭah, for when a *nawkhudhah* arrives there for the first time, after the usual exchange of news and information as to current prices, the local inhabitants will ask him, « *Man rabī'ak*, Who is your protector? ». The *nawkhudhah* will indicate the person he chooses and the latter then takes him to his house and acts as his *dallāl*. Should the *nawkhudhah* return to the port on a subsequent occasion he is obliged to use the services of the person who first « accorded him protection ». The functions of the *dallāl* include feeding the *nawkhudhah* and his companions in his own house — the expenses of which are added to the *dallāl's* commission. The *dallāl* sells his goods and collects the payment from the different local merchants who purchase them. He also tries to find a new cargo for the dhow. Any samples of goods given the *dallāl* by the *nawkhudhah* are his perquisite and are not returned. He presents his account to the *nawkhudhah* deducting his commission and expenses. At the time of the *mawāsim*, the *dallāl* takes a commission (*khidmah*) from each passenger embarking on the dhow. If the *dallāls* have a dispute with each other they resort to the Amīr al-Baḥr for a decision — he submits the case to advice from experienced *dallāls* or merchants or *nawkhudhahs* who decide it with his help. I should remark in passing that the office of Amīr al-Baḥr in Ḥaḍramawt sometimes passes from father to son.

There is of course a great deal of information in MS *-fatāwā* on commerce which will bring to light many curious practices. Dr 'Abdullāh Maqṭarī informed me of a strange form of raising money in Aden, called *hakbah* which I merely cite as an example of what is to be found. A *hakkābah* is a woman who approaches, say 10 persons, women, to persuade them to undertake to save a fixed sum per month which they deposit with her; every time an agreed sum has been saved one of the savers draws it out to spend, the *hakkābah* taking at each such payment a commission of 10 %.

The Cargo

The *qawṣarah*, which is a palm-leaf basket bag of dates of the type imported from Iraq — a very ancient word, being known to Jāḥiẓ — was formerly used to measure the tonnage of dhows. It is 180 lbs (*raṭl*) or 9 *farāsilahs*. Half a *qawṣarah* is termed *nuṣfīyah*. Nowadays they use the ton as a measure of the capacity of sailing vessels. Of too heavy a load for ships or vehicles one says *hadhā jawr*. Certain limits above which a vessel may not be loaded have been established in international maritime law of our times, but I wonder if this did not already exist in the dhow trade of the Indian Ocean? There are two lines on a dhow — the *zunnār al-shaḥm*, and the *zunnār al-shaḥnah* — the first of these « the girdle of the fat » is a line where the greasing of the hull with fat and lime (*nūrah*) ends — it projects from the ship's side — this prevents the growth of slime on the hull. Between this and the « girdle of loading » is one plank only, and no cargo must be taken on by the vessel after this line has touched the sea (*al-zunnār ṭabb al-baḥr*). Bills of lading — an

Indian word *satmī* is employed — are known as far back as 1412 and might perhaps be traced back much further.

Jettison

If a storm (*ḍarbah*) has continued for 12 or 24 hours, according to which rule is observed, all the sailors and the *nākẖudẖah* may agree to toss cargo overboard. Some *nākẖudẖahs* consider it a disgrace to do this and refuse until the crew tie them to the mast and jettison the goods in spite of them. Laws vary on jettison. In Ḥaḍramī vessels if the jettisoned goods bear the mark of the owner then the owner alone stands the loss, but if they bear the marks of a number of owners then the loss is distributed among them according to the number of shares they hold in the goods jettisoned. But the Ahl al-Sūr — i. e. the Omaniṣ, divide the loss among all the persons owning cargo even including the value of the slaves who form the crew and who are the property of the *nākẖudẖah*, and they do not take owners' marks into consideration. I might remark that when an Omani *nākẖudẖah* mans a vessel with his slaves he takes all the proceeds of the voyage, but he looks after his slaves like his children, feeds, clothes, and marries them, and they in return fight faithfully for him. In Basrah, Yemen and India, there is a sort of division made called *warār*. An estimate is made of the value of the goods and of the vessel (*sā'iyah*). The goods left are shared out, but the ship only seems to lose the passage-money (*nawl*) and freight-charges (*ḥumūl*) on the goods jettisoned.

Man Overboard

If a sailor or passenger should fall overboard in a stormy sea where it would be dangerous or difficult to save the man the *nawkẖudẖah* shouts as soon as he hears of the accident, «*al-fātiḥah*!». That is to say he asks the company to recite *Sūrat al-Fātiḥah* for the soul of the man, considering him as already dead, and the ship proceeds on its way. In other cases the vessel is required to make search, within reason, for the man, but if not found it continues on its way and no blame attaches to it.

Salvage

I have translated the South Arabian word *jadḥ* as salvage — and it may be given two categories — the salvage of goods thrown up on the shore, and salvage at sea. Where the land is concerned agreements concluded mainly by Britain or British India have imposed salvage laws on the coastal people, and it is uncertain whether they recognised any rights over goods cast upon the shore other than their own freedom to plunder them at will. Here I ought to interpolate that the word *jadḥ* is used also in a quite different sense. In the Wāḥidī Sultanate they used to *yijdaḥūn* the Somalis who arrived there from Africa — i. e. they used to take protection or escort money (*siyārah*) from them when they came ashore to sell their *Barbarī* sheep. The Somalis who come to collect incense (*lubān*) in the mountains behind the coastal ports of Ḥaḍramawt used to pay Gate tax (*'ushūr al-siddah*) at the port (*furḍah*)

on this incense. In Raidat Āl ʿAbd al-Wadūd, the Thaʿyan tribe, the Āl Kathīr, and the al-Ḥamūm used to take one fish in 10 from the fishermen — this they called *judūḥ*. On the Faḍlī coast the Danākil divers for mother-of-pearl used to pay taxes to the Marāqishah of the Coast.

To return however to the question of salvage — it may be a relic of mediaeval custom that the *Nāʾib* of *al-Shiḥr* will order all the able-bodied males to turn out to salvage a ship wrecked on the coast. They go forth at a trot shouting, « *Yā darkaah, yā darkaah, fīnā gharīqah.* It is an *ʿār* or disgrace not to turn out on these occasions. This as I know from my other researches into the organisation of the city wards in Ḥaḍramawt is really fundamental to the functions of the *Ḥāfah* or city quarter which gives communal aid in case of fire, drowning, and collapse of wells or the mud house walls, to save the victims, human or animal. I was told by one informant that if you claim goods cast up on the coast there is no salvage to pay, only *khidmah*, fee to those who have collected it. This does not seem entirely consistent with other statements that the Wāḥidīs take one quarter of good salvaged, and the Quʿaiṭī state one tenth.

At sea the law of salvage seems to be very strict. If, for example, a canoe (*hūrī*) or any gear belonging to a vessel is lost and later salvaged by another vessel, then the latter is entitled to a feast consisting of a lamb and a quarter bag (*kīs*) of rice. If a vessel sees something of ship's gear floating on the sea, it is in duty bound to salvage it and return it to its owner. If the vessel neglects to salvage the gear, then the *nākhudhah* responsible for the negligence is responsible for repaying the value of it, provided of course that it is proven against him that he did this on purpose and that the sea was calm and the wind favourable.

Fisher Law

The customary law of the fishermen of the South Arabian coast does not appear to differ in principle, but only in detail, from one place to another, and then it will sometimes be only the variations imposed by different conditions. One finds however that the stretches of coast to which one particular set of laws and customs applies is distinguished relatively sharply as lying between certain fixed points. Each of these coastal stretches is, as far as fishing is concerned, under the jurisdiction of an *ʿāqil* (headman) or *ʿāqils* who settle fishers disputes.

It is known that the fish of the Arabian coasts have been an important item of commerce from remote times. To take one author among many, Ibn Ḥawqal mentions what one probably should read as *wuzif*, the dried sardines prepared from Ḥaḍramawt round to the Bāṭinah of Oman wherever shore conditions are suitable, to be used for animal fodder and the manufacture of fish-oil. This latter, known as *ṣīfah*, was used for oil-lamps. Dried shark is exported to the Far East and shark-fins to the Chinese market in Singapore and other places. Sardines and sharks are both subject to local taxes. In such towns as al-Shiḥr and al-Mukallā the fishermen sell to retailers *muʿaiyirīn* or *qaṭṭāʿīn*, and their dealings are regulated by local customary law. In al-

Shiḥr one may see what might almost be called a native fish-factory — the *ḥawsh* which I have studied in detail — these factories lie along the sea-front and in their yards fish are dried or smoked.

A very detailed customary law governs the lives of the fishermen but most of it is too technical to discuss here. In many respects their laws resemble those of the dhow-sailors, especially in regard to indebtedness. Certain types of fishing are prohibited at some seasons. Fishing is not permitted at all in some parts of the South at the time when the community should attend the Friday prayer. There seems to be no question of owning fishing-grounds, except for the actual hours of the day that a fishing boat is fishing over them, when certain rules come into force about how near other boats may come to a boat already fishing, and from what direction they may approach it. In al-Baḥrain there are customary laws which prohibit obstacles of any sort being placed in the way of the tide that carries the fish into the *ḥaḍrah* trap.

What I have told you is only selected from the mass of material I have collected, and what I have managed to collect is only a small part of what there is to know about the sea-faring communities of Arabia. The dhow trade will obviously disappear quite soon and with it much that will help us to understand the past — nor will the fishing communities be able to preserve their ancient ways. It does seem worth while to try to record what one can while it is still with us.

ADDENDA

P.195/13 The document is translated in our *Ṣanʿā'*, 75–76.

P.197/9 See my "Customary law among the fishermen of al-Shiḥr", *Middle East Studies and Libraries: Felicitation Volume for Professor J.D. Pearson*, ed. B.C. Bloomfield, London, 1980, 193–203.

P.198/17 See my "Ḥaḍramawt to Zanzibar: the pilot-poem of the Nākhudhā Saʿīd Bā Ṭāyiʿ, *From Zinj to Zanzibar: in honour of James Kirkman, Paideuma*, Wiesbaden, 1982, XXVIII, 109–27 & Muḥ. Bā Maṭraf, *al-Rafīq al-nāfiʿ ʿalā manẓūmāt al-mallāḥ Bā Ṭāyiʿ*, al-Mukallā, 1966.